

# REQUEST FOR PROPOSALS

## Technical Analysis for Alternative & Renewable Fuel & Vehicle Technology Program



RFP #600-08-601  
[www.energy.state.ca.gov/contracts](http://www.energy.state.ca.gov/contracts)  
State of California  
California Energy Commission  
March 2009

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1	Contractor Status Form
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3.2	Disabled Veteran Business Enterprise Program Requirements
3.3	Bidder Declaration form GSPD-05-105
4	Contractor Certification Clauses
5	Client References
6	Sample Standard Agreement
7	Target Area Contract Preference Act (TACPA) Request
8	Enterprise Zone Act (EZA) Preference Request
9	Local Agency Military Base Recovery Area (LAMBRA) Act Preference Request

## **I. Introduction**

### **BACKGROUND**

Assembly Bill (AB) 118 (Nunez, Chapter 750, Statutes of 2007) created the Alternative and Renewable Fuel and Vehicle Technology Program (Program), to be administered by the California Energy Commission (Energy Commission). The Program authorizes the Energy Commission to award approximately \$120 million annually as grants, revolving loans, loan guarantees, and other appropriate measures to develop and deploy innovative fuel and vehicle technologies, helping to achieve California's climate change goals.

### **PURPOSE OF RFP**

The purpose of this Request for Proposal (RFP) is to select a Contractor to provide technical analysis to the Program.

Given the multiple state policy objectives directed at development of alternative and renewable fuels and vehicle technologies in California as described, prospective bidders are encouraged to develop a team approach to the diverse work activities described in the technical tasks.

### **KEY ACTIVITIES AND DATES**

Key activities and times for RFP are presented below. This is a tentative schedule; please call the Contracts Office to confirm dates.

<b>ACTIVITY</b>	<b>ACTION DATE</b>
RFP Release	March 4, 2009
Pre-Bid Conference	March 18, 2009
Deadline for Written Questions	March 18, 2009
Distribute Questions/Answers and Addenda (if any) to RFP	March 27, 2009
<b>Deadline to Advertise for DVBE</b>	<b>April 9, 2009</b>
<b>Deadline to Submit Proposals by 3:00 p.m.</b>	<b>April 23, 2009</b>
Clarification Interviews (If necessary)	May 4, 2009
Notice of Proposed Award	May 7, 2009
Commission Business Meeting	June 17, 2009
Contract Start Date	June 30, 2009
Contract Termination Date	June 30, 2011

## **I. INTRODUCTION, CONTINUED**

### **AVAILABLE FUNDING**

There is a maximum of up to \$750,000 available for the contract resulting from this RFP. Of this amount, \$200,000 is immediately available. The remaining balance of \$550,000 may be available from fiscal year (FY) 2009/2010 contingent on approval of the Energy Commission's 2009/2010 Budget. Funding shall be subject to the appropriation and availability for that purpose in the 2009/2010 Governor's Budget. In the event funds are not available, the Energy Commission shall have no further liability with regard to the contract. The contract award will be made to the responsible Bidder providing the lowest cost.

The Energy Commission reserves the right to reduce the contract amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Commission contracts. In this event, the Contractor and Commission Contract Manager (CCM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

### **PRE-BID CONFERENCE**

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held at the date, time and location listed below. Please call (916) 654-4392 or refer to the Energy Commission's website at <http://www.energy.ca.gov/contracts/index.html> to confirm the date and time.

March 18, 2009, 10:00 a.m.  
California Energy Commission  
Hearing Room B  
1516 9th Street  
Sacramento, CA 95814  
Telephone: (916) 654-4392

### **PARTICIPATION THROUGH WEBEX (OPTIONAL)**

For participation through WebEx, the Energy Commission's on-line meeting service, follow the instructions below:

#### **COMPUTER LOGON WITH A DIRECT PHONE NUMBER:**

- \* Please go to <https://energy.webex.com> and enter the unique meeting number:  
924 636 200
- \* When prompted, enter your information and the following meeting password:  
march18@10
- \* After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.

## **I. INTRODUCTION, CONTINUED**

### **COMPUTER LOGON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC.:**

- \* Please go to <https://energy.webex.com> and enter the unique meeting number:  
924 636 200
- \* When prompted, enter your information and the following meeting password:  
march18@10
- \* After you login, a prompt will ask for your phone number. CLICK CANCEL.
- \* Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

### **TELEPHONE ONLY (NO COMPUTER ACCESS):**

- \* Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from: <https://energy.webex.com/energy/globalcallin.php>

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

## **QUESTIONS**

During the RFP process, questions of clarification about this RFP must be directed to the Contracts Officer listed in the following section. You may ask questions at the Pre-Bid Conference, and you may submit written questions in writing via mail, electronic mail, FAX, and by phone. However, all questions must be received by 5:00 pm on the day of the Pre-Bid Conference. After the Pre-Bid Conference, question and answer sets will be mailed to all parties who requested a copy of this RFP from the Energy Commission Contracts Office and all that attended the Pre-Bid Conference. The questions and answers will also be posted on the Energy Commission's website at: <http://www.energy.ca.gov/contracts/index.html>.

Any verbal communication with an Energy Commission employee concerning this RFP is not binding on the State and shall in no way alter a specification, term, or condition of the RFP.

## **CONTACT INFORMATION**

Sherri Bower, Contracts Officer  
California Energy Commission  
1516 Ninth Street, MS-18  
Sacramento, California 95814  
Telephone: (916) 654-7093  
FAX: (916) 654-4423  
E-mail: [sbower@energy.state.ca.us](mailto:sbower@energy.state.ca.us)

## **I. INTRODUCTION, CONTINUED**

### **RESPONSES TO THIS RFP**

Responses to this solicitation shall be in the form of a Technical and Cost Proposal according to the format described in this RFP. The Technical Proposal shall document the Bidder's approach, experience, qualifications, and project organization to perform the tasks described in the Scope of Work. The Cost Proposal shall detail the Bidder's budget to perform such tasks.

### **REFERENCE DOCUMENTS**

Bidders responding to this RFP may want to familiarize themselves with the following documents:

- Assembly Bill (AB) 118 (Núñez, Chapter 750, Statutes of 2007)  
[<http://www.energy.ca.gov/proceedings/2008-ALT-1/index.html>]
- AB 109 (Núñez, Chapter 313, Statutes of 2008)  
[[http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab\\_0101-0150/ab\\_109\\_bill\\_20080926\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0101-0150/ab_109_bill_20080926_chaptered.pdf)]
- State Alternative Fuels Plan (AB 1007 Plan)  
[<http://www.energy.ca.gov/ab1007/index.html>]
- *Investment Plan for the Alternative and Renewable Fuel and Vehicle Technology Program*, 2008, Energy Commission Staff,  
[<http://www.energy.ca.gov/2008publications/CEC-600-2008-007/CEC-600-2008-007-D-REV1.PDF>]
- *An Assessment of Biomass Resources in California*, 2006, PIER Collaborative Report, [<http://www.energy.ca.gov/2006publications/CEC-500-2006-094/CEC-500-2006-094-D.PDF>]
- *Gap Analysis for AB 118*, 2008, TIAx  
[[http://www.energy.ca.gov/proceedings/2008-ALT-1/documents/2008-09-19\\_workshop/presentations/Gap\\_Analysis\\_Summary\\_Presentation.pdf](http://www.energy.ca.gov/proceedings/2008-ALT-1/documents/2008-09-19_workshop/presentations/Gap_Analysis_Summary_Presentation.pdf)]
- Proposed Regulation Language, Alternative and Renewable Fuels and Technologies Program § 3101.5  
[[http://www.energy.ca.gov/ab118/documents/2009-02-25\\_workshop/2008-12-23\\_FINAL\\_REGULATION\\_LANGUAGE.PDF](http://www.energy.ca.gov/ab118/documents/2009-02-25_workshop/2008-12-23_FINAL_REGULATION_LANGUAGE.PDF)]
- *Alternative and Renewable Fuel and Vehicle Technology –Sustainability Concepts Background*, Draft Staff Paper (Jim McKinney), Energy Commission, July 2008, [<http://www.energy.ca.gov/2008publications/CEC-600-2008-006/CEC-600-2008-006-D.PDF>]

The above reference documents are on display and available for review in the Energy Commission's Library (Monday-Friday from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m.) located at:

California Energy Commission  
1516 Ninth Street, MS-10  
Sacramento, CA 95814  
(916) 654-4292

## **I. INTRODUCTION, CONTINUED**

### **CONFLICTS OF INTEREST**

The work to be performed pursuant to this contract may shape the future of the Program. Potential Bidders should be mindful that the eligibility of the Contractor and any subcontractor working on this contract for future Program funding may be limited by laws designed to avoid conflicts of interest, including Section 10365.5 of the Public Contracts Code which provides as follows:

(a) No person, firm, or subsidiary thereof who has been awarded a consulting services contract may submit a bid for, nor be awarded a contract for, the provision of services, procurement of goods or supplies, or any other related action which is required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract.

(b) Subdivision (a) does not apply to any person, firm, or subsidiary thereof who is awarded a subcontract of a consulting services contract which amounts to no more than 10 percent of the total monetary value of the consulting services contract.

(c) Subdivisions (a) and (b) do not apply to consulting services contracts subject to Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

Potential Bidders should also be aware that individuals working on this contract may be restricted from performing work or receiving funding related to a subject matter in which they have a financial interest. Potential responders to this solicitation are encouraged to consult with legal counsel if they have questions about the operation of any provision of law with regard to conflicts of interest.



## II. Scope of Work and Deliverables

### ABOUT THIS SECTION

This section describes the contract scope of work, deliverables and due dates under the direction of the CCM.

### BACKGROUND

In December 2007, the Energy Commission and the California Air Resources Board (ARB) jointly adopted the *State Alternative Fuels Plan* (AB 1007 Plan) pursuant to AB 1007 (Pavley, Chapter 371, Statutes of 2005). The AB 1007 Plan recommends a combination of regulations, incentives, and market investments to increase penetration of alternative fuels and vehicle technologies into California's on-road and off-road markets (excluding air, rail, and marine). The AB 1007 Plan includes example pathways to increase use of alternative fuels, while meeting multiple state transportation energy, alternative fuel use, air quality, water quality, global climate change, and other environmental and petroleum reduction objectives.

AB 118 created the Alternative and Renewable Fuel and Vehicle Technology Program, (Program) to be administered by the Energy Commission. The Program authorizes the Energy Commission to award approximately \$120 million annually as grants, revolving loans, loan guarantees, and other appropriate measures to develop and deploy innovative fuel and vehicle technologies in California. The following types of activities are eligible for funding:<sup>1</sup>

- Projects to develop and improve alternative and renewable low-carbon fuels;
- Demonstration and deployment projects that optimize alternative and renewable fuels for existing and developing engine technologies;
- Projects to produce alternative and renewable low-carbon fuels in California;
- Projects to decrease the overall impact of an alternative and renewable fuels life-cycle carbon footprint and increase sustainability;
- Alternative and renewable fuel infrastructure, fueling stations, and equipment;
- Projects to develop and improve light-, medium-, and heavy-duty vehicle technologies that provide for better fuel efficiency and lower greenhouse gas (GHG) emissions, alternative fuel usage and storage, or emission reductions;
- Programs and projects that accelerate the commercialization of vehicles and alternative and renewable fuels including buy-down programs through near-market and market-path deployments, advanced technology warranty or replacement insurance, development of market niches, and supply-chain development;

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<sup>1</sup> Projects required to be undertaken pursuant to state or federal law or district rules or regulations are ineligible for Program funding.

## **II. SCOPE OF WORK AND DELIVERABLES CONTINUED**

- Programs and projects to retrofit medium-and heavy-duty on-road and non-road vehicle fleets with technologies that create higher fuel efficiencies, including alternative and renewable fuel vehicles and technologies, idle management technology, and aerodynamic retrofits that decrease fuel consumption;
- Infrastructure projects that promote alternative and renewable fuel infrastructure development connected with existing fleets, public transit, and existing transportation corridors;
- Workforce training programs related to alternative and renewable fuel feedstock production and extraction, renewable fuel production, distribution, transport, and storage, high-performance and low-emission vehicle technology and high power electronics, automotive computer systems, mass transit fleet conversion, servicing, and maintenance, and other sectors or occupations related to the purpose of the Program;
- Block grants administered by not-for-profit technology consortia for multiple projects, education and program promotion within California, and development of alternative and renewable fuel and vehicle technology centers; and
- Life-cycle and multimedia analyses, sustainability and environmental impact evaluations; market, financial, and technology assessments performed by a state agency.

Funding mechanisms that may be used by the Program will be based on the stage of development of the funding opportunities including widespread commercial availability; early market deployment and development for vehicle fleets, consumers, fuel producers, infrastructure owners and plant manufacturers; market niche demonstration and feasibility; application research and development; validation testing; and prototype development.

### **TASK 1 - CONTRACT MANAGEMENT**

#### **Kickoff Meeting**

The Contractor shall attend a “kick-off” meeting with the CCM, Contracts Officer, and the Accounting Office. The Contractor’s Project Manager, Contract Administrator, and Accounting Officer shall attend this meeting. The administrative and technical aspects of this contract will be discussed.

#### **Invoices**

The Contractor shall prepare an invoice for all authorized work performed and expenses incurred in the performance of this contract. Each invoice shall be submitted to the Energy Commission’s Accounting Office.

## **II. SCOPE OF WORK AND DELIVERABLES CONTINUED**

### **Subcontractors**

In the event subcontractors are part of the Contractor's proposal, the Contractor shall manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If new subcontractors are added, the Contractor shall notify the CCM who will follow the Energy Commission's process for adding or replacing subcontractors.

### **Monthly Progress Reports**

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of the project.

The Contractor shall provide monthly progress reports which summarize all contract activities by the Contractor including contract expenditures. Each progress report is due to the CCM within 15 days after the end of the month, and each progress report shall coincide with the invoice period. The CCM will specify the report format and the number of copies to be submitted. The monthly progress reports shall describe:

- Monthly progress for each task
- The degree of completion for each task
- Current and cumulative budget expenditure schedule
- DVBE contract expenditures
- Status of deliverables
- Problems and proposed resolutions
- Planned activities for the next reporting period

Problems or concerns will be communicated to the CCM between monthly progress reports.

### **Summary Report**

Prior to the conclusion of this contract, the Contractor shall prepare a Summary Report that describes the original purpose, approach, results and conclusions of the work done under this contract. The Summary Report shall be prepared in language easily understood by the public or layperson with a limited technical background.

The Contractor shall submit a Draft Summary Report to the CCM, who will review the draft and may make comments or suggestions to be incorporated into a Final Summary Report.

The Draft and the Final Summary Reports shall comply with the Report Preparation Requirements set forth in this RFP, and shall be completed by the dates specified in the "Deliverables and Due Dates" section of this RFP.

The Final Summary Report shall be a public document.

## **II. SCOPE OF WORK AND DELIVERABLES CONTINUED**

### **Report Preparation Requirements**

The Contractor shall prepare and deliver to the CCM a draft of each report identified in the “Deliverables and Due Dates” section by the date specified. The CCM will review each draft report, and recommend changes to the Contractor. The Contractor shall review and discuss any recommended changes to each draft report with the CCM, and shall submit a final version of the report incorporating any agreed-upon changes by the date specified in the “Deliverables and Due Dates” section.

Each report shall be prepared consistent with the Energy Commission Document Production protocols for Consultant Reports. Please refer to the information located at [http://www.energy.ca.gov/contracts/consultant\\_reports/index.html](http://www.energy.ca.gov/contracts/consultant_reports/index.html). Each draft report shall be delivered to the CCM in electronic form, in Microsoft Word for Windows format (version 97). Each final report shall be delivered to the CCM as one original, reproducible, 8 ½” by 11”, camera-ready master in black ink. Illustrations and graphs shall be sized to fit an 8 ½” by 11” page, readable if printed in black and white. In addition, the Contractor shall deliver an electronic copy (CD ROM or memory stick or as otherwise specified by the CCM) of the full text in Microsoft Word (.doc). The Energy Commission shall maintain but may not necessarily exercise all ownership rights to the final report, including but not limited to, possession, use, reproduction, and publication.

### **TASK 2 – EVALUATE ALTERNATIVE AND RENEWABLE FUEL INFRASTRUCTURE AND DISTRIBUTION DEVELOPMENT**

California will need to enhance its alternative and renewable fuel delivery infrastructure to ensure adequate supplies and availability of these fuels. The limited number of stations for ethanol (E-85), natural gas, hydrogen, biodiesel blends, propane, and electric charging impede the expansion of alternative and renewable fuels and alternative fuel vehicle use. Existing infrastructure for distributing these fuels, terminal and retail operations, storage capacity, electrical power transmission, and natural gas pipelines will have to be improved to increase availability of these fuels in future years.

The Contractor shall prepare one report for each of the following fuels:

- E-85
- Electricity
- Natural gas
- Hydrogen
- Biodiesel blends
- Propane

Each report shall document and analyze current infrastructure conditions for each respective fuel.

## II. SCOPE OF WORK AND DELIVERABLES CONTINUED

Each report shall develop a distribution and refueling infrastructure scenario based on the alternative and renewable vehicle market penetrations described in Appendices A and B of the staff's draft Investment Plan for the Alternative and Renewable Fuel and Technology Program.<sup>2</sup> The report shall include logistics, timing and associated capital costs required to achieve the necessary levels of market penetration for the year 2020 and the year 2050.

### TASK 3 – EVALUATE ALTERNATIVE AND RENEWABLE FUEL INVESTMENTS

Under AB 118, the Energy Commission is directed to develop and update an investment plan identifying funding priorities and how such funding will complement existing public and private investment. The Contractor's work on this task will be used to determine the funding priorities and mechanisms selected by the Energy Commission to accelerate the commercialization of alternative and renewable fuels. The Contractor shall focus on in-state alternative and renewable fuel production; storage and distribution; fueling infrastructure; new vehicle technology; and consumer acceptance to enable greater and sustained growth of these fuel markets and technologies.

The analysis conducted under this task shall supplement and complement the previous "Gap Analysis for AB 118" conducted by TIAX, which was presented at a workshop held on September 2, 2008.<sup>3</sup> The previous TIAX Gap Analysis focused on industry and government investments made within the United States, but did not include foreign (offshore) investments.

The Contractor shall prepare a report evaluating government and private investments in alternative fuel research, development, deployment, and commercialization activities, and provide recommendations on the additional investment needed to accelerate the commercialization of alternative and renewable fuels. The Contractor shall analyze existing projects to develop alternative fuels, including:

- Propane
- Compressed natural gas
- Liquefied natural gas
- Hydrogen
- Electric transportation
- E-85
- Renewable and biodiesel

For each project identified, the Contractor shall identify investment sources, investment methods (such as incentives, loans, or grants), the project's stage of development, and

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<sup>2</sup> *Investment Plan for the Alternative and Renewable Fuel and Vehicle Technology Program*, Draft Staff Paper  
[\[http://www.energy.ca.gov/2008publications/CEC-600-2008-007/CEC-600-2008-007-D-REV1.PDF\]](http://www.energy.ca.gov/2008publications/CEC-600-2008-007/CEC-600-2008-007-D-REV1.PDF).

<sup>3</sup> *Gap Analysis for AB 118*, 2008, TIAX  
[\[http://www.energy.ca.gov/proceedings/2008-ALT-1/documents/2008-09-19\\_workshop/presentations/Gap\\_Analysis\\_Summary\\_Presentation.pdf\]](http://www.energy.ca.gov/proceedings/2008-ALT-1/documents/2008-09-19_workshop/presentations/Gap_Analysis_Summary_Presentation.pdf).

## **II. SCOPE OF WORK AND DELIVERABLES CONTINUED**

the extent to which the investments specifically benefit alternative and renewable fuel market introduction and growth in California.

The Contractor shall evaluate investment sources not considered in the TIAX Gap Analysis, including foreign sources. The Contractor shall also take into account the current financial condition of the automotive industry in its evaluation, and account for the impacts of dramatic changes in the automotive industry since TIAX prepared its Gap Analysis.

### **TASK 4 – CONDUCT ALTERNATIVE AND RENEWABLE FUEL AND VEHICLE MARKET ASSESSMENTS**

Establishing a baseline assessment of fuel production plants, vehicle purchases, and fueling stations in California is essential to identifying potential incentives and government actions to stimulate alternative and renewable fuel development and use.

The Contractor shall prepare a report assessing the markets for alternative and renewable fuels and vehicles. The report shall address the following:

- Actions required for alternative and renewable fuel and vehicle technologies (including E-85, electricity, hydrogen, natural gas, biodiesel blends, and propane) to achieve success in various stages of development. Stages of development include, but are not limited to, research and development, production, deployment, and marketing. The Contractor shall include the following factors in its analysis:
  - capital costs of vehicle manufacturing and fuel production
  - availability of vehicle, engine and component parts
  - magnitude of market share and/or market penetration
  - magnitude of available fuel storage, infrastructure and fueling pump or recharging systems and networks
  - industry and sub-industry competition
  - comparisons to gasoline and diesel vehicle and fuel prices
  - fuel and vehicle availability and cost to consumers
  - consumer acceptance of new vehicles

The Contractor shall also consider incentives, policies, programs, regulations, technology advances, investment sources, and revenue streams including:

- investment needed for individual projects and development categories
- potential strategic partners to fulfill policy goals
- vehicle turnover rates
- potential for fueling infrastructure build-out
- utility involvement in home recharging and refueling systems
- change in alternative fuel industry makeup

## II. SCOPE OF WORK AND DELIVERABLES CONTINUED

- improved fuel characteristics
  - manufacturing threshold levels and trigger points to reduce cost
  - geographic locations of fuel production plants
  - fueling stations and vehicle users
  - timing/pacing and frequency of market development
- Barriers that impede expansion of alternative and renewable fuels and vehicles in California, and actions needed by federal and state government, and the private sector to overcome barriers.
- Identify opportunities and options to provide residential and commercial electric-drive consumers and fleet operators with “greener” electricity than may be available from the local utility or load serving entity (LSE). “Greener” means an electricity mix with a higher renewable content or total renewable content than is available from the grid for a given LSE. Energy Commission staff has identified three possible options including 1) green energy programs from LSEs, 2) green energy products from community choice aggregators, or 3) the purchase of Renewable Energy Certificates or Credits from the voluntary market. The Contractor shall analyze each of these options, as well as identify and assess additional options.

The Contractor shall consider barriers to the availability (to residential and commercial users of electric drive vehicles) of “greener” renewable energy products for electric vehicle charging, including specifically the offering by utilities of “bundled” electricity and renewable energy attributes. The Contractor shall include recommendations for overcoming these barriers.

- Recommendations to expand the growth of alternative and renewable fuels and vehicles in the market.

## II. SCOPE OF WORK AND DELIVERABLES CONTINUED

### TASK 5 – TECHNICAL SUPPORT FOR SUSTAINABILITY ELEMENTS

The Contractor shall prepare a report to examine existing sustainability certification programs identified in section 3101.5 of the proposed AB 118 program regulations,<sup>4</sup> and the draft staff background paper for the AB 118 sustainability program,<sup>5</sup> such as the Renewable Transport Fuel Obligation (RTFO),<sup>6</sup> Roundtable on Sustainable Palm Oil (RSPO),<sup>7</sup> and Roundtable on Sustainable Biofuels (RSB).<sup>8</sup> The Contractor shall prepare an analysis of the lessons learned in establishing these programs, developing the sustainability guidelines or criteria, and implementing the programs. The Contractor shall include an analysis of any third party critiques of the sustainability certification programs.

The Contractor shall also evaluate the effectiveness of sustainability programs based on, but not limited to: 1) an assessment of the relative strengths and weaknesses of the sustainability guidelines or criteria with respect to assuring environmentally sustainable business practices; 2) issues in complying with the sustainability guidelines or criteria; 3) issues in verifying compliance with the sustainability guidelines or criteria throughout the supply chain of products or services; and 4) issues with establishing field-based environmental indicators for the programs. The Contractor shall conclude with an assessment of how well the various programs could be used to meet the program and regulatory goals of AB 118, and the relative strengths and weaknesses of each program for use as part of AB 118.

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<sup>4</sup> Proposed Regulation Language, Alternative and Renewable Fuels and Technologies Program § 3101.5. [[http://www.energy.ca.gov/ab118/documents/2009-02-25\\_workshop/2008-12-23\\_FINAL\\_REGULATION\\_LANGUAGE.PDF](http://www.energy.ca.gov/ab118/documents/2009-02-25_workshop/2008-12-23_FINAL_REGULATION_LANGUAGE.PDF)]. The proposed regulations were adopted by the Energy Commission on February 25, 2009.

<sup>5</sup> *Alternative and Renewable Fuel and Vehicle Technology –Sustainability Concepts Background*, Draft Staff Paper (Jim McKinney), Energy Commission, July 2008. [<http://www.energy.ca.gov/2008publications/CEC-600-2008-006/CEC-600-2008-006-D.PDF>]

<sup>6</sup> *Sustainability Reporting within the RTFO: Framework Report*, ECOFYS Consulting, Holland, Dehue et al, Commissioned by the UK Department for Transport, January 2008. <http://www.dft.gov.uk/consultations/archive/2007/rforeporting/sustainabilityreportingv2.pdf> See also *Sustainable Biofuels: Prospects and Challenges*, The Royal Society, January 2008. <http://royalsociety.org/displaypagedoc.asp?id=28914>

<sup>7</sup> *RSPO Principles and Criteria for Sustainable Palm Oil Production*, Roundtable on Sustainable Palm Oil, October 2007. [http://www.rspo.org/resource\\_centre/RSPO%20Principles%20&%20Criteria%20Document.pdf](http://www.rspo.org/resource_centre/RSPO%20Principles%20&%20Criteria%20Document.pdf)

<sup>8</sup> *Roundtable on Sustainable Biofuels, Global Principles and Criteria for Sustainable Biofuels Production*, Version Zero, August 13, 2008. [ <http://cgse.epfl.ch/page65660.html>]



## II. SCOPE OF WORK AND DELIVERABLES CONTINUED

### DELIVERABLES AND DUE DATES

Task		Deliverables	Due Date
1	Contract Management	Monthly progress reports	15 <sup>th</sup> day of each month
		Draft Summary Report	11/19/10
		Final Summary Report	1/28/11
2	Evaluate Alternative and Renewable Fuel Infrastructure and Distribution Development	Draft Ethanol (E-85) Report	8/6/10
		Final Ethanol (E-85) Report	9/3/10
		Draft Electricity Report	8/6/10
		Final Electricity Report	9/3/10
		Draft Natural Gas Report	8/6/10
		Final Natural Gas Report	9/3/10
		Draft Hydrogen Report	8/6/10
		Final Hydrogen Report	9/3/10
		Draft Biodiesel Blends Report	8/6/10
		Final Biodiesel Blends Report	9/3/10
		Draft Propane Report	8/6/10
		Final Propane Report	9/3/10
3	Evaluate Alternative and Renewable Fuel Investments	Draft Report	4/9/10
		Final Report	5/10/10
4	Conduct Alternative and Renewable Fuel and Vehicle Market Assessments	Draft Report	6/11/10
		Final Report	7/9/10
5	Technical Support for Sustainability Elements	Draft Report	12/3/09
		Final Report	1/4/10

## **III. Evaluation Process and Criteria**

### **ABOUT THIS SECTION**

This section explains how the proposals will be evaluated. It describes the evaluation stages, preference points, and scoring of all proposals. A Bidder's proposal will be evaluated and scored based on its response to the information requested in this RFP.

During the evaluation and selection process, the Energy Commission may interview a Bidder either by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the proposal. However, these interviews may not be used to add or change to the contents of the original proposal.

### **PROPOSAL EVALUATION**

To analyze all proposals, the Energy Commission will organize an Evaluation Committee. The proposals will be analyzed in three stages:

#### **Stage One: Administrative and Completeness Screening**

The Contracts Office will review Proposals for compliance with administrative requirements and completeness. Proposals that fail Stage One may be disqualified and eliminated from further evaluation.

#### **Stage Two: Technical Evaluation of Proposals**

Proposals passing Stage One will be submitted to the Evaluation Committee to score proposals based on the Evaluation Criteria in this Section. The Evaluation Committee may, at its discretion, seek clarification of any point in the written technical proposal through a clarification interview with the Bidder. Proposals not attaining a score of 85 percent of the total possible points will be eliminated from further competition. After the technical evaluation, those Bidders who pass the minimum required technical score may be scheduled for a clarification interview by the Committee.

#### **Stage Three: Cost Proposal**

Those proposals that pass the scoring criteria in Stage Two will have their cost proposal opened. All Preferences will be applied, if applicable. The contract will be awarded to the responsible Bidder meeting the requirements outlined in Stage One and Two, who provide the lowest cost, after application of Preferences.

### III. EVALUATION PROCESS AND CRITERIA CONTINUED

#### SCORING SCALE

The Evaluation Committee will give a score from zero (0) to ten (10) for each criterion described below. The point calculations reflect the averages of the combined scores of all Evaluation Committee members.

0 Points	<ul style="list-style-type: none"><li>✓ Is not in substantial accord with the RFP requirements.</li><li>✓ Has a potential significant effect on the amount paid or net cost to the State or the quality or quantity of product and/or service.</li><li>✓ Provides an advantage to one competitor over the other competitors, for example, not paying minimum wages.</li></ul>
1-3 Points	<ul style="list-style-type: none"><li>✓ The proposal states a requirement, but offers no explanation of how or what will be accomplished.</li><li>✓ The response contains a technical deficiency which is an inaccurate statement or reference concerning the how, what, where, or when, which is part of an overall statement or description.</li></ul>
4-6 Points	<ul style="list-style-type: none"><li>✓ Satisfies the minimum requirements and describes generally how and/or what will be accomplished.</li></ul>
7-9 Points	<ul style="list-style-type: none"><li>✓ Satisfies the minimum requirements and specifically describes how and/or what will be accomplished in an <u>exemplary manner</u>, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).</li></ul>
10 Points	<ul style="list-style-type: none"><li>✓ Exceeds the minimum requirements and specifically describes how and/or what will be accomplished both quantitatively and qualitatively, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).</li></ul>

#### PREFERENCE POINTS

A Bidder may qualify for non-technical preference points such as Small/Micro Small Business, Non-Small Business, and Disabled Veteran Business Enterprises (DVBE). Each qualifying Bidder passing the minimum technical evaluation will receive the applicable preference points.

##### Small / Microbusiness

Bidders who qualify as a State of California certified small/microbusiness will receive a cost preference of five percent (5%) of the lowest cost or price offered by the lowest responsible Bidder who is not a certified small/microbusiness, by deducting this five percent from the small/microbusiness Bidder's cost, for the purpose of comparing costs for all Bidders.

### III. EVALUATION PROCESS AND CRITERIA CONTINUED

#### Non-Small Business

The preference to a non-small business bidder that commits to small business or microbusiness subcontractor participation of twenty-five percent (25%) of its net bid price shall be five percent (5%) of the lowest, responsive, responsible bidder's price. A non-small business which qualifies for this preference may not take an award away from a certified small business.

#### Disabled Veteran Business Enterprise

The DVBE Incentive program was established pursuant to Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et.seq. The information below explains how the incentive is applied and how much of an incentive will be given.

#### Incentive Application:

Award Based on Low Price: The Incentive is applied by reducing the bid price for bidders that include at least 3% DVBE participation, by the percentage of incentive as computed from the lowest responsive and responsible bid price. The computation is for evaluation purposes only and does not change your bid amount. Application of the incentive cannot displace an award to a small business with a non-small business; application cannot change the amount of the bid for a contract budget.

The incentive amount for awards based on low price will vary in conjunction with the percentage of DVBE participation (see "Incentive Amount" below). The DVBE Incentive Program may be used in conjunction with the Small Business preference which gives a 5% preference to small business proposers or 5% to non-small business proposers committed to subcontracting 25% of the overall bid with small businesses.

#### Award Based on Low Price:

Proposed DVBE Participation Level	DVBE Incentive % Price Preference
3% - 4.99%	1%
5%+	2%

#### Target Area Contract Preference Request

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders should complete RFP Attachment 7 if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

### **III. EVALUATION PROCESS AND CRITERIA CONTINUED**

#### **Enterprise Zone Request**

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders should review RFP Attachment 8 to determine if they qualify for this incentive. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

#### **Local Agency Military Base Recovery Act**

The Local Agency Military Base Recovery Act (LAMBRA, Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders should review RFP Attachment 9 to determine if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

### III. EVALUATION PROCESS AND CRITERIA CONTINUED

#### EVALUATION CRITERIA

FIRM		BY:				
	Criteria	Weight Factor	X	Point Score (0-10)	=	Weighted Score
<b>APPROACH TO TASKS IN SCOPE OF WORK</b>						
<b>General Criteria</b>						
1	Overall clarity and logic of the proposed approach to conducting analyses; assessments; technical and economic evaluations; developing scenarios; and making recommendations	4				
2	Ability to perform research and acquire additional technical information to supplement Contractor and subcontractor knowledge, as needed for a thorough and comprehensive evaluation	2				
3	Adequacy of the document preparation and review process, to ensure technical quality, defensibility, and readability of each deliverable	2				
<b>Task-specific Criteria</b>						
<b>Task 1 - Contract Management</b>						
4	Capability of the Contractor's project accounting system to accrue Contractor and subcontractor labor hours and direct expenses; adequacy of MIS reports; capability and tools to track project cost variance against budget	2				
5	Adequacy of the proposed method to prevent cost overruns	2				
6	Adequacy of the Contractor's invoicing procedure	2				
7	Adequacy of the method for tracking Contractor and subcontractor work activities, progress, and schedule variances	2				
<b>Task 2 - Infrastructure and Distribution Development</b>						
8	Adequacy of the approach to determining the actions required to achieve successful technology development	3				
9	Adequacy of the approach to developing a distribution and refueling infrastructure scenario	3				
<b>Task 3 - Investments</b>						
10	Adequacy of the approach to evaluating government and private investments, and to determining the subsequent recommendations on needed additional investment	2				
11	Adequacy of the approach to determining the current financial condition of the automotive industry	2				

### III. EVALUATION PROCESS AND CRITERIA CONTINUED

	<b>Task 4 - Market Assessments</b>					
12	Adequacy of the approach to determining the baseline of fuel production plants, vehicle purchases, and fueling stations	2				
13	Adequacy of the approach to identifying the barriers and required actions for successful commercialization of alternative and renewable fuels and vehicle technologies	2				
14	Adequacy of the approach for determining barriers, opportunities, and options to provide electric-drive consumers and fleet operators with "green" energy	2				
	<b>Task 5 - Sustainability</b>					
15	Adequacy of the approach to analyzing the "lessons learned" from existing sustainability certification programs	2				
16	Adequacy of the approach to assessing how the programs can best be used to achieve the regulatory goals of AB 118	2				
	<b>TEAM ORGANIZATIONAL STRUCTURE</b>					
17	Clarity of the Contractor's organization, including lines of authority, reporting and communication	2				
18	Clarity of the team organization, including lines of authority, reporting and communication	3				
19	Clarity of the roles to be performed by each Contractor and subcontractor team member	3				
20	Strength of any previous working relationships between the Contractor and any subcontractors	3				
21	Effectiveness of proposed methods to minimize project delivery costs to the Energy Commission	2				
22	Adequacy of communication capabilities	1				
	<b>LABOR HOURS BY PERSONNEL AND TASK</b>					
23	Clarity of identifying the assigned personnel and level of effort for each Contractor and subcontractor team member by task	4				
	<b>PROJECT TEAM RELEVANT EXPERIENCE AND QUALS</b>					
24	Strength of resumes describing relevant experience and appropriate education	5				
25	Documentation of at least one member of the Contractor staff holding a current California Professional Engineer (PE) registration	3				
26	Knowledge and experience in conducting full-fuel-cycle analysis; understanding and modeling sustainability implications of energy use in a full-fuel-cycle analysis; and evaluating new transportation fuel pathways using a full-fuel-cycle methodology	6				

### III. EVALUATION PROCESS AND CRITERIA CONTINUED

27	Knowledge and experience with resource economic analyses, market research, project financing, due diligence, and evaluating proposals/projects to direct investment funding	6				
28	Experience and knowledge of the alternative and renewable fuels industry, vehicle technology, research and development needs, greenhouse gas reductions, refueling infrastructure design and technology, market barriers to commercial implementation, and potential solutions	6				
29	Knowledge of California laws and regulations relating to alternative fuels and technology, air quality regulations, vehicle and engine emission certification, and fuel quality	4				
<b>CLIENT REFERENCES</b>						
30	Strength of client references	8				
<b>PREVIOUS WORK PRODUCTS</b>						
31	Complexity and relevance to this RFP SOW	3				
32	Comprehensiveness and quality of the analysis and the work product	5				
	Maximum Possible Score					1,000
	Minimum Passing Score (85%)					850
	<b>Small/Micro Business Preference 5%:</b>					
	<b>Non-Small Business Preference:</b>					
	<b>Disabled Veteran Business Enterprise Incentive:</b>					
	<b>Target Area Contract Preference Act Adjustment:</b>					
	<b>Enterprise Zone Act Adjustment:</b>					
	<b>Local Agency Military Base Recovery Area Adjustment:</b>					
	<b>FINAL SCORE</b>					



## IV. Proposal Format, Required Documents, and Delivery

### ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit a proposal. The format is prescribed to assist the Bidder in meeting State bidding requirements and to enable the Energy Commission to evaluate each proposal uniformly and fairly. Bidders must follow all proposal format instructions, answer all questions, and supply all requested data.

### REQUIRED FORMAT FOR A PROPOSAL

All proposals submitted under this RFP must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered, sections must be titled, and printed back-to-back. Spiral or comb binding is preferred. Binders are discouraged.

### NUMBER OF COPIES

Bidders must submit the original and 8 copies of Volume 1, and Volume 2, in two separately sealed envelopes. Bidders must also submit electronic files of the proposal on [CD-ROM diskette](#) along with the paper submittal. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Electronic files submitted via e-mail will not be accepted.

### PACKAGING AND LABELING

The original and copies of each volume must be labeled "Request for Proposal 600-08-601," and include the title of the proposal and the appropriate volume number:

Volume 1 – Section 1, Administrative Section

Volume 1 – Section 2, Technical Sections

Volume 2 – Cost Proposal

Deliver your proposal in a sealed package and include the following label information:

Person's Name, Phone #	
Bidder's Name	
Street Address	
City, State, Zip Code	
FAX #	
	RFP 600-08-601
	Contracts Office, MS-18
	California Energy Commission
	1516 Ninth Street, 1st Floor
	Sacramento, California 95814

## **IV. PROPOSAL FORMAT, REQUIRED DOCUMENTS, AND DELIVERY CONTINUED**

### **PREFERRED METHOD FOR DELIVERY**

A Bidder may deliver a proposal by:

- U. S. Mail
- Personally
- Courier service

Proposals must be delivered to the Energy Commission Contracts Office during normal business hours and prior to the date and time specified in Section I. In accordance with Public Contract Code 10344, proposals received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

### **ORGANIZE YOUR PROPOSAL AS FOLLOWS:**

#### **VOLUME 1 – Section 1, Administrative Response**

Cover Letter

Table of Contents

Contractor Status Form

Darfur Contracting Act Form

Small Business Preference Certification

Completed Disabled Veteran Business Enterprise Form

Contractor Certification Clauses

Attachment 1

Attachment 2

If applicable

Attachment 3.2

Attachment 4

#### **VOLUME 1 – Section 2, Technical Response**

Approach to Tasks in Scope of Work

Team Organizational Structure

Labor Hours by Personnel and Task

Project Team Experience and Qualifications

Client References

Previous Work Products

Attachment 5

#### **A. Approach to tasks in Scope of Work**

Describe the Bidder's approach to providing the technical services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience. Bidder's approach shall be evaluated in the manner described in the Evaluation Criteria.

## **IV. PROPOSAL FORMAT, REQUIRED DOCUMENTS, AND DELIVERY CONTINUED**

### **B. Team Organizational Structure**

1. Describe the organizational structure of the Bidder, including providing an organizational chart of the entire contract team.
2. Identify the location of the Bidder's and Subcontractor's headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
3. Provide a short description of each firm and key members on the team. Describe the relationship between the Contractor and subcontractors on your team. Indicate any history of a working relationship between the team members noting any significant success stories
4. Describe professional awards.
5. Describe the organization, composition, and functions to be performed by staff members of the Bidder and any subcontractors and how the staff pertains to this contract.
6. Identify a primary contact person.
7. Describe any technical capabilities that would facilitate communicating with the Energy Commission (e.g., internet capability and electronic reports).

### **C. Labor Hours by Personnel and Task**

Provide the title or classification of each person, hours, and level of effort as it applies to each task, including subcontractor hours.

### **D. Project Team Relevant Experience and Qualifications**

1. Document the project team's qualifications as they apply to performing the tasks described in the Scope of Work. Describe the nature and scope of recently completed work as it relates to the Scope of Work.
2. Identify and list all Bidder staff and subcontractors (all team members) who will be committed to the tasks and describe their roles.
3. Describe job classification, relevant experience, education, academic degrees and professional licenses of these technical staff team members, including certification of at least one California-Registered Professional Engineer.
4. Provide a current resume for all team members listed.
5. Identify the percentage of time each team member will be available throughout the contract.
6. Describe their familiarity with the administration, management, and technical expertise in performing pertinent tasks identified in the Scope of Work.

## **IV. PROPOSAL FORMAT, REQUIRED DOCUMENTS, AND DELIVERY CONTINUED**

### **E. Client References**

Each bidder shall complete Customer Reference Forms. Three customer references are required for the Contractor.

### **F. Previous Work Products**

Each bidder shall provide at least two examples of a similar work product for the services to be provided. If more than one company will be providing technical support in a task area, each company shall submit two example products that demonstrate experience in potential work assignments described in this RFP.

### **VOLUME 2 – Cost Bid (Sealed Separately from Volume 1)**

Budget Summary	Attachment A-1
Personnel Hours by Task	Attachment A-2
Calculation of Fringe Benefits, Overhead, General and Administrative Expenses, and Profit	Attachment A-3
Unloaded Hourly Rates	Attachment A-4
Loaded Hourly Rates	Attachment A-5
Other Direct Costs	Attachment A-6

The Contractor must submit information on all the attached budget forms, A-1 through A-6, and will be deemed the equivalent of a formal bid submission under the Public Contract Code. Rates and personnel shown must reflect rates and personnel you will charge if you are chosen as the Contractor for this RFP.

**NOTE:** The information provided in these forms will not be kept confidential.

The salaries, rates, and other costs entered on these forms become a part of the final contract. The entire term of the contract and projected rate increases must be considered when preparing the budget. The rates bid are considered capped and shall not change during the term of the contract. The Contractor shall only be reimbursed for their actual rates up to these rate caps.

## **V. Administration**

### **RFP DEFINED**

The competitive method used for this procurement of services is a Request for Proposal (RFP). A proposal submitted in response to this RFP will be scored and ranked based on the Evaluation Criteria. Every proposal must establish in writing the Bidder's ability to perform the RFP tasks.

### **DEFINITION OF KEY WORDS**

Important definitions for this RFP are presented below:

<b>Word/Term</b>	<b>Definition</b>
State	State of California
DGS	Department of General Services
Energy Commission	California Energy Commission
RFP	Request for Proposal, this entire document
Proposal	Formal written response to this document from contractor
Bidder	Respondent to this RFP
CCM	Commission Contract Manager
DVBE	Disabled Veteran Business Enterprises

### **IMPORTANT ADMINISTRATIVE DETAILS**

#### **Cost of Developing Proposal**

The Bidder is responsible for the cost of developing a proposal, and this cost cannot be charged to the State.

#### **Confidential Information**

The Energy Commission will not accept or retain any proposals that are marked confidential in their entirety and Bidders are strongly discouraged from requesting confidential treatment for any of the information contained in a submittal.

#### **Darfur Contracting Act of 2008**

Effective January 1, 2009, all RFPs must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with "scrutinized" companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

## **V. ADMINISTRATION CONTINUED**

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or proposal to a State agency. (See # 1 on Attachment 2)

A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 2)

### **Disabled Veteran Business Enterprises (DVBE) Compliance Requirements**

The Disabled Veteran Business Enterprise (DVBE) Program has two inter-related aspects:

**Participation Goals:** The mandatory DVBE Participation Program of achieving participation goals (normally 3% for disabled veteran business enterprises) by either attaining the minimum 3% goal or by showing a good faith effort.

And,

**Incentive:** The DVBE Incentive Program gives a Contractor an opportunity to improve their bid status based on the efforts attained from the DVBE Participation Program.

This RFP is subject to a participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 et seq. Before you begin to prepare your proposal response, you will need to determine which option you will use and document to meet DVBE Participation Program requirements.

### **“Commercially Useful Function” Requirements For Certified Small Business, Microbusiness or DVBE**

A certified small business or Microbusiness, or certified DVBE shall provide goods or services that contribute to the fulfillment of the contract requirements by performing a **commercially useful function**.

A certified small business, Microbusiness or DVBE is deemed to perform a **commercially useful function** if it does all of the following:

1. Is responsible for the execution of a distinct element of the work of the contract.
2. Carries out its obligation by actually performing, managing, or supervising the work involved.
3. Performs work that is normal for its business services and functions.

## V. ADMINISTRATION CONTINUED

4. Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

A Contractor, subcontractor, or supplier will not be considered to perform a **commercially useful function** if the Contractor's, subcontractor's, or supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of small business, Microbusiness or DVBE participation.

### Certified Small/Microbusiness and Non-Small Business Information

#### Definitions

- A. Small business means a business certified by the Office of Small Business Disabled Veteran Certification (OSDC) in which:

1. The principal office is located in California.
2. The officers are domiciled in California.
3. The business is independently owned and operated.
4. The business, with any affiliates, is not dominant in its field of operation.
5. And either:
  - a. The business, together with any affiliates, has 100 or fewer employees and average annual gross receipts of \$12,000,000 (12 million) or less over the previous three years, or
  - b. The business is a manufacturer with 100 or fewer employees.

- B. Microbusiness means a small business certified by OSCD in which:

1. The principal office is located in California.
2. The officers are domiciled in California.
3. The business is independently owned and operated.
4. The business, with any affiliates, is not dominate in its field of operation.
5. And either:
  - a. The business, together with any affiliates, has 25 or fewer employees and averages annual gross receipts of \$2,750,000 or less over the previous three years, or
  - b. The business is a manufacturer with 25 or fewer employees.

- C. Commercially Useful Function for Small Business

A certified small business or Microbusiness shall provide goods or services that contribute to the fulfillment of the contract requirements by performing a "commercially useful function" defined as follows: 1) is responsible for the execution of a distinct element of the work of the contract; 2) carries out its obligation by actually performing, managing or supervising the work involved; 3) performs work that is normal for its business services and functions; and 4) is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. A small or Microbusiness Contractor, subcontractor or supplier is not performing a "commercially useful function" if its role is limited to that of an extra participant in a transaction,

## **V. ADMINISTRATION CONTINUED**

contract or project through which funds are passed in order to obtain the appearance of small business or Microbusiness participation. (Government Code Section 14737(d)(4); Military & Veterans Code section 999(e)(2); Title 2 California Code of Regulations section 1896.61(l)).

### **D. Eligibility**

A business must be formally certified by OSDC to be considered for the small business or Microbusiness preference.

### **E. Benefits of Certification**

A certified small business or Microbusiness is entitled to claim a five percent preference in bidding on state contracts. Certified small business or Microbusinesses are also entitled to interest penalties paid by the state for late payment of invoices. The penalties are greater for certified small business or Microbusinesses than for non-certified businesses.

### **F. Non-Small Business Preference Program**

The preference to a non-small business bidder that commits to small business or Microbusiness subcontractor participation of twenty-five percent (25%) of its net bid price shall be five percent (5%) of the lowest, responsive, responsible bidder's price. A non-small business which qualifies for this preference may not take an award away from a certified small business.

## **RFP CANCELLATION AND AMENDMENTS**

If it is in the State's best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this RFP;
- Amend this RFP as needed; or
- Reject any or all Proposals received in response to this RFP

If the RFP is amended, the Energy Commission will send an addendum to all parties who requested the RFP and will also post it on the Energy Commission's Web Site [www.energy.ca.gov/contracts](http://www.energy.ca.gov/contracts) and Department of General Services' Web Site [www.cscr.dgs.ca.gov/cscr](http://www.cscr.dgs.ca.gov/cscr).

## **Errors**

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify the Energy Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the RFP, without divulging the source of the request for clarification. The Energy Commission shall not be responsible for failure to correct errors.

## **No Contract Until Signed & Approved**

No agreement between the Energy Commission and the successful Bidder is in effect until the contract is signed by the Contractor, approved at an Energy Commission Business Meeting, and approved by the Department of General Services, if required.



## **V. ADMINISTRATION CONTINUED**

### **Contract Amendment**

The contract executed as a result of this RFP will be able to be amended by mutual consent of the Energy Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.

### **MODIFYING OR WITHDRAWAL OF PROPOSAL**

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Proposal before the deadline to submit proposals. Proposals cannot be changed after that date and time. A Proposal cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the RFP: “This proposal and the cost estimate are valid for 60 days.”

### **IMMATERIAL DEFECT**

The Energy Commission may waive any immaterial defect or deviation contained in a Bidder's proposal. The Energy Commission's waiver shall in no way modify the proposal or excuse the successful Bidder from full compliance.

### **DISPOSITION OF BIDDER'S DOCUMENTS**

On the Notice of Proposed Award posting date all proposals and related material submitted in response to this RFP become a part of the property of the State and public record. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

### **BIDDERS' ADMONISHMENT**

This RFP contains the instructions governing the requirements for a firm quotation to be submitted by interested Bidders, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Bidder responsibilities. Bidders must take the responsibility to carefully read the entire RFP, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the RFP are followed and appropriately addressed, and carefully reread the entire RFP before submitting a proposal.

### **GROUND TO REJECT A PROPOSAL**

#### **A Proposal shall be rejected if:**

- It is received after the exact time and date set for receipt of Proposal's pursuant to Public Contract Code, Section 10344.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- DVBE advertising is less than 14 days prior to bid due date.
- It is lacking a properly executed Certification Clauses.

## **V. ADMINISTRATION CONTINUED**

- It is lacking a properly executed Darfur Contracting Act.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.
- The Proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this RFP.
- There is a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5.
- It contains confidential information.

### **A Proposal may be rejected if:**

- It is not prepared in the mandatory format described.
- It is unsigned.
- The firm or individual has submitted multiple proposals for each task.
- It does not literally comply or contains caveats that conflict with the RFP and the variation or deviation is not material, or it is otherwise non-responsive.

## **PROTEST PROCEDURES**

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, or the Energy Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

- Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
- During the five working days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Energy Commission Contracts Office.
- Within five days after filing the protest, the protesting Bidder must file with the DGS and the Energy Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
- If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Energy Commission for the DGS hearing officer consideration.

## **AGREEMENT REQUIREMENTS**

The content of this RFP shall be incorporated by reference into the final contract. See the sample Agreement terms and conditions included in this RFP.